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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

BCB CHEYENNE LLC d/b/a BISON
BLOCKCHAIN, a Wyoming limited
liability company,

Plaintiff,

vs.

Civil No. 23-CV-79J

MINEONE WYOMING DATA CENTER
LLC, a Delaware limited liability company;
MINEONE PARTNERS LLC, a Delaware
limited liability company; TERRA
CRYPTO INC., a Delaware corporation;
BIT ORIGIN, LTD., a Cayman Island
Company; SONIC HASH LLC, a Delaware
limited liability company; BITMAIN
TECHNOLOGIES HOLDING COMPANY,
a Cayman Island Company; BITMAIN
TECHNOLOGIES GEORGIA LIMITED, a
Georgia corporation; and JOHN DOES
1-18, related persons and companies who
control or direct some or all of the named
Defendants,

Defendants.

***DEFENDANT'S REPLY TO PLAINTIFF'S RESPONSE TO
BITMAIN GEORGIA'S MOTION TO STRIKE PLAINTIFF'S
RESPONSE***

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Defendant Bitmain Technologies Georgia Limited (hereinafter “Bitmain Georgia”) replies to *Plaintiff’s Response to Defendant Bitmain Georgia’s Motion to Strike Plaintiff’s Response* (“*Plaintiff’s Response*”) as follows:

I. THE U.S.D.C. LOCAL RULES HAVE THE FORCE AND EFFECT OF LAW.

Plaintiff argues that motions to set aside entry of default are dispositive because the Wyoming District Court has never explicitly ruled that such motions are non-dispositive and, in Plaintiff’s counsel’s experience, local practice treats such motions as dispositive. Plaintiff’s arguments fail to address the clear, plain language in the local rules. As set forth in Bitmain Georgia’s *Motion to Strike Plaintiff’s Response Memorandum In Opposition to Defendant Bitmain Technologies Georgia Limited’s Motion to Set Aside Entry of Default* (“*Motion to Strike*”), the U.S. District Court for the District of Wyoming’s Local Civil Rules, Rules 7.1(A) and 72.1(c), clearly list what constitutes a dispositive motion. Motions to set aside entry of default are not included. As such, Plaintiff is bound by the Local Rules’ page limits on non-dispositive motions.

Not only is Plaintiff bound by those rules, but also Bitmain Georgia is entitled to rely on them. As the Tenth Circuit has held:

Rules of Practice adopted by the United States District Courts ... have the force and effect of law, and are binding on the parties and the court which promulgated them until they are changed in the appropriate manner.... A litigant has the right to rely upon the local rules, as the parties and court are bound by them.

Woods Constr. Co. v. Atlas Chemical Industries, Inc., 337 F.2d 888, 890-91 (10th Cir. 1964) (citing *Weil v. Neary*, 278 U.S. 160, 49 S. Ct. 144 (1929)).

What Plaintiff believes based on its counsel’s previous experience is irrelevant, particularly where, as here, the Local Rules provide a definitive answer as to how long briefing on a motion to set aside entry of default may be. The Local Rules have the force and effect of law, and Plaintiff’s

overlong brief violated those rules. Plaintiff's brief should therefore be stricken, or in the alternative, the Court should decline to consider any of the briefing beyond the tenth page.

II. THE COURT HAS DISCRETION OVER HOW TO APPLY ITS RULES BUT SHOULD DECLINE TO EXCUSE PLAINTIFF'S VIOLATION.

Plaintiff also notes that the Court has previously exercised discretion to consider overlong briefs. While courts have discretion in applying local rules, such discretion is not automatic in favor of rule violations. If it were, it would render rules meaningless. This Court's typical practice is actually described in *Plaintiff's Response*: "Generally, the Court declines to consider anything past the page limit[.]" *Riley v. Unified Caring Ass'n*, 2014 WL 12629944 at *4 (D. Wyo. 2014 (Magistrate Judge Rankin)).

In this instance, the Court should decline to excuse Plaintiff's violation of the Local Rules. Plaintiff's response brief was not slightly overlong; it was over twice the permitted length and contained a great deal of inadmissible and irrelevant factual assertions. In addition, even after Bitmain Georgia's counsel offered Plaintiff the opportunity to re-file, Plaintiff refused. The Court should thus enforce the Local Rules and either strike Plaintiff's overlong motion or decline to consider anything in the brief beyond the tenth page.

III. BITMAIN GEORGIA HAD NO OBLIGATION TO CONSENT TO PLAINTIFF'S VIOLATION OF THE RULES

Plaintiff appears to argue that Bitmain Georgia improperly refused to excuse its violation of the Local Rules. However, Bitmain Georgia has no obligation to consent to Plaintiff's violation of the rules. As set forth above, Bitmain Georgia is entitled to rely on the Local Rules as binding on the parties. Thus, Bitmain Georgia was within its right to reject Plaintiff's request that it consent to Plaintiff's overlong brief, and the Court should afford no weight to Plaintiff's argument to the contrary.

IV. PLAINTIFF IMPROPERLY TREATS ITS RESPONSE AS A SURREPLY.

Lastly, Plaintiff spends the final two pages of its five page brief responding to Bitmain Georgia's *Reply in Support of Motion to Set Aside Entry of Default* ("Reply"), not the *Motion to Strike*. These final two pages restate the arguments asserted in *Plaintiff's Response Memorandum in Opposition to Defendant Bitmain Technologies Georgia Limited's Motion to Set Aside Entry of Default*, cite extensively to cases and law regarding the standards governing setting aside entries of default, and dispute the merits of the evidence proffered by Bitmain Georgia in its motion to set aside. Plaintiff is improperly treating this briefing as a surreply, and the Court should disregard these statements. None of these arguments by Plaintiff have any bearing on whether the Court should strike or otherwise disregard its overlong brief.

V. CONCLUSION.

For the reasons set forth above and in Bitmain Georgia's *Motion to Strike*, Bitmain Georgia requests that the Court strike Plaintiff's overlong brief or, in the alternative, decline to consider anything beyond the first ten pages contained in the brief.

Dated: 4 January 2024.

BITMAIN TECHNOLOGIES GEORGIA
LIMITED, Defendant

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CERTIFICATE OF SERVICE

I certify the foregoing ***Defendant's Reply to Plaintiff's Response to Bitmain Georgia's Motion to Strike Plaintiff's Response*** was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 4 January 2024, and that copies were served as follows:

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